IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Bail Appl..No. 4903 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.4235/2007 Dated 23/07/2007
CRIME NO.228/07 OF CHANGARANKULAM POLICE STATION

.....

: PETITIONER/ACCUSED NO.1

PRATHEESH, S/O.PRABHAKARAN, 29 YEARS,
KARAYIL HOUSE, NELLAYA AMSOM,
PANTHALLUR DESOM.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4903 of 2007

Dated this the 22nd day of August, 2007

ORDER

Application for regular bail. The petitioner faces allegations for offences punishable, inter alia, under Sections 396 and 302 I.P.C. The petitioner was arrested on 21.05.07. An earlier application for regular bail filed by the petitioner was dismissed as per order dated 23.07.07in B.A.No.4235/07. I have adverted to facts in detail in the said order. It is not necessary for me to advert to facts again in detail in this order. This order must be read in continuation of the said order.

2. The short point urged by the learned counsel for the petitioner is that the petitioner who has remained in custody from 21.05.07 is now entitled for bail by default as the final report/charge sheet has not been filed within a period of 3 months (90 days) from the date of the first remand.

3. The learned Public Prosecutor after taking instructions submits that it is true that the final report has not been filed so far and the petitioner is consequently entitled for bail by default under the proviso to Section 167(2) Cr.P.C.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) The petitioner shall not, within this period of 3 months, leave the sessions divisions of Trichur and Malappuram districts.

(R.BASANT, JUDGE)

rtr/-